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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	85781180
Applicant	Big Apple Performing Arts, Inc.
Applied for Mark	YOUTH PRIDE CHORUS
Correspondence Address	PHILLIP A ROSENBERG KILPATRICK TOWNSEND & STOCKTON LLP 1114 AVENUE OF THE AMERICAS, 21ST FLOOR, THE GRACE BUILDING NEW YORK, NY 10036-7703 UNITED STATES NYTrademarks@KilpatrickTownsend.com, prosenberg@kilpatricktownsend.com, agarcia@kilpatricktownsend.com
Submission	Motion to Consolidated Ex Parte Appeals
Attachments	Motion to Consolidate Appeals (YPC).pdf(23746 bytes)
Filer's Name	Phillip A. Rosenberg
Filer's e-mail	NYTrademarks@KilpatrickTownsend.com, prosenberg@kilpatricktownsend.com, agarcia@kilpatricktownsend.com
Signature	/Phillip A. Rosenberg/
Date	03/12/2015

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
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APPLICANT: Big Apple Performing Arts, Inc.

MARKS: YOUTH PRIDE CHORUS

**youth
PRIDE
chorus**

SERIAL NOS.: 85/781,180
85/781,188

**APPLICANT’S MOTION TO CONSOLIDATE
EX PARTE APPEALS**

Applicant Big Apple Performing Arts, Inc. (“Applicant”) respectfully moves the Board to consolidate the *ex parte* appeals for the two above-referenced applications (the “Applications”) into a single, consolidated *ex parte* appeal (the “Consolidated Appeal”).

Consolidation is appropriate here because the trademarks at issue in the Applications contain identical terms, the Applications belong to the same Applicant, and the appeals for the Applications involve a common question of law and fact, namely, whether the marks underlying the Applications are so highly descriptive as to preclude registration and whether Applicant has shown sufficient evidence of acquired distinctiveness to warrant registration under Section 2(f) of the Lanham Act. Additionally, consolidation is appropriate as it will save substantial time, effort, and expense since the appeals concern the same issue. *See* Fed. R. Civ. P. 42(a); TBMP § 1214; *In re Bacardi & Co., Ltd.*, 48 U.S.P.Q.2d 1031 (T.T.A.B. 1997); *In re Pebble Beach Co.*, 19 U.S.P.Q.2d 1687 (T.T.A.B. 1991).

Accordingly, Applicant respectfully requests that the Board grant the foregoing Motion to Consolidate *Ex Parte* Appeals.

Dated: March 12, 2015

Respectfully submitted,

/Phillip A. Rosenberg/

Jason M. Vogel

Phillip A. Rosenberg

KILPATRICK TOWNSEND & STOCKTON LLP

The Grace Building

1114 Avenue of the Americas

New York NY 10036-7703

(212) 775-8700

Attorneys for Applicant

Big Apple Performing Arts, Inc.

CERTIFICATE OF TRANSMITTAL

I hereby certify that a true copy of the foregoing APPLICANT'S MOTION TO CONSOLIDATE *EX PARTE* APPEALS is being filed electronically with the TTAB via ESTTA on this day, March 12, 2015.

/Alberto Garcia/

Alberto Garcia